

DRAFT
URBAN LEVEL OF FLOOD PROTECTION CRITERIA
WORK GROUP CHARTER
MAY 3, 2011 VERSION

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A. Introduction

Senate Bill 5 of 2007 (i.e., Government Code (GC) § 65007(l)) defines the urban level of flood protection as the level of flood protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the Department of Water Resources. Before entering into a development agreement for a property, approving a discretionary permit/discretionary entitlement/ministerial permit that would result in the construction of a new residence, or approving a tentative map/parcel map for a subdivision in urban and urbanizing areas within flood hazard areas identified by the Federal Emergency Management Agency (FEMA) beyond 36 months after the Central Valley Flood Protection Board's adoption of the Central Valley Flood Protection Plan, Senate Bill 5 of 2007 (i.e., GC § 65007(j) and (k), 65865.5, 65962, 66474.5) requires cities and counties in the Sacramento-San Joaquin Valley to either demonstrate the urban level of flood protection, impose conditions that will achieve the urban level of flood protection (e.g., elevate or floodproof structures, construct a levee), or demonstrate adequate progress toward providing the urban level of flood protection. For urban and urbanizing areas within flood hazard zones identified by FEMA that are protected by State-Federal project levees in the Sacramento-San Joaquin Valley, the urban level of flood protection shall be achieved by 2025.

DWR is developing a document entitled Criteria for Demonstrating Urban Level of Flood Protection to provide specific criteria associated with the urban level of flood protection as defined in GC § 65007(l) and Water Code Section 9602(i). DWR anticipates a high level of interest in document development. While cities and counties located outside of the Sacramento-San Joaquin Valley are not required to make findings related to the urban level of flood protection, these criteria can help inform engineering and local land use decisions for areas at risk of flooding.

In order to ensure the criteria are implementable and comprehensive, dialogue is needed with potentially affected agencies. The Urban Level of Flood Protection Criteria Work Group will consist of local government representatives and planners with policy and land use expertise. This charter describes the purpose and context for the Work Group.

B. Background

Senate Bill 5 of 2007 directs, after the adoption of the Central Valley Flood Protection Plan and amendment of local general plans and zoning ordinances, all cities and counties within the Sacramento-San Joaquin Valley to make findings related to the urban level of flood protection for lands within a flood hazard zone (see GC §§ 65865.5, 65962, and 66474.5). Findings must use “criteria consistent with, or developed by, the Department of Water Resources.” Application of these criteria in the Sacramento-San Joaquin Valley, as defined by GC §65007, is required. For cities and counties outside of the Sacramento-San Joaquin Valley, use of the criteria is voluntary.

Considerations of the urban level of flood protection will influence decisions about:

- Entering into property development agreements
- Approving a discretionary permit/discretionary entitlement/ministerial permit that would result in the construction of a new residence
- Approving a tentative map/parcel map for a subdivision

While cities and counties located outside the Sacramento-San Joaquin Valley are not required to make findings related to the urban level of flood protection, these criteria can help inform local land use decisions.

The Criteria for Demonstrating Urban Level of Flood Protection document provides both criteria and a systematic approach for cities and counties to make findings related to the urban level of flood protection.

C. Work Group Charge and Focus

This Work Group will provide input to DWR in improving the draft criteria to be finalized by DWR. The resulting recommendations will inform all relevant work to refine content for the document. These criteria, while required, do not alter or otherwise affect development of the 2012 Central Valley Flood Protection Plan. The charge of the Work Group follows:

Review and provide feedback on the draft criteria with regard to scope, clarity, and relevance to local applications.

More specifically the Work Group will address the following questions:

1. Is the approach comprehensive enough to address foreseeable situations?

2. Is the level of criteria detail sufficient for the intended use by decision makers? What, if any, additional information is necessary?
3. Are the criteria under consideration reasonably implementable?

D. Membership

DWR will select a representative group of people to form a work group. They seek group members with acknowledged expertise in land use planning and decision-making, and secondarily in floodplain management, who represent public agencies potentially impacted by the legislation and criteria. Members must have sufficient knowledge to help develop the desired information outlined in **Charter Section C** (Work Group Focus). Invitations have been sent to cities and counties in the Sacramento-San Joaquin Valley, as well as to the Central Valley Flood Protection Board and other relevant state and federal agencies.

Regular attendance will be essential to the continuity of the group. DWR may permit alternates on a case-by-case basis. If alternates are permitted, they are expected to represent the views of the member. The member and alternate must remain fully briefed and able to work without causing the group to revisit items previously considered.

E. Participants

Executive Sponsor: Rod Mayer

Executive Advisor: Ken Kirby

DWR Team Leader: Ricardo Pineda

Central Valley Flood Management Planning Office Representative: Jeremy Arrich

Key DWR Technical/Content Development Team Members: Allan Oto, Mike Inamine, Maria Lorenzo-Lee, Keith Swanson

Other Key Technical Support: Yung-Hsin Sun and Rebecca Guo (MWH) and subconsultants

Work Group Members: see roster for specific names and affiliations

1. Cities and Counties within the Sacramento-San Joaquin Valley, and other parts of California
2. Professional Organizations (invited)
 - A. *California State Association of Counties*
 - B. *League of California Cities*
 - C. *California County Planning Directors Association*
 - D. *American Planning Association, California Chapter*
 - E. *Floodplain Management Association*

3. Federal and State Agencies (invited)
 - A. *Federal Emergency Management Agency*
 - B. *U.S. Army Corps of Engineers*
 - C. *Central Valley Flood Protection Board*
 - D. *California Department of Housing and Community Development*
 - E. *Governor's Office of Planning and Research*
 - F. *California Emergency Management Agency*
4. Urban Levee Design Criteria Work Group Liaisons

Facilitation Team: Center for Collaborative Policy, CSUS: Dorian Fougères (lead), assistant facilitators

F. Roles and Responsibilities

Executive Sponsor: Serves as a resource for policy guidance on an as-needed basis for development and completion of Work Group deliverables. Responsible for obtaining final decisions from DWR Executives regarding the structure and content of the Urban Level of Flood Protection Criteria.

Executive Advisor: Serves as a representative of DWR Executives to help present and discuss rationale of draft criteria with members of the Work Group.

DWR Lead: The DWR Lead serves as the leader of the Work Group and helps ensure that all relevant perspectives related to the chartered topics are being discussed and captured in written documents. Helps ensure that appropriate people from DWR Divisions and other partner organizations are invited and given opportunity to participate. Responsible for executing the Work Group Charter and producing associated documents. Responsible for coordinating with the Executive Sponsor and other DWR functions, as appropriate.

Central Valley Flood Management Planning Office Representative: Maintains consistency and integration of Work Group functions and deliverables within the context of the Central Valley Flood Protection Plan (CVFPP) and FloodSAFE Initiative (FloodSAFE).

Key Technical Team Staff: Consists of topic-specific subject matter experts from DWR, and outside expertise as needed. Staff will communicate and convene as needed to meet with, plan, and support the Work Group on specific work assignments.

Work Group Members: (1) advise DWR staff on how comments might best be addressed and the document improved; (2) contribute expertise, data and information to clarify discussions, eliminate false assumptions, and advance innovation; (3) serve as the liaison to communicate information to and from their organizations and constituencies; and (4) act in a manner that will enhance trust among all partners and interested parties.

Facilitation Team Staff: Provides neutral leadership to the dialogue process and meeting management. The facilitators are content neutral, which means they will not try to promote a

particular outcome for the group. The facilitators will advocate, however, for the process, which means they will work to help the Work Group stay within scope and follow the terms of the Charter. They will also actively suggest methods to accomplish tasks and oversee preparation of meeting notes.

G. Interaction with Other Related Projects

This criteria document is being developed in conjunction with development of the CVFPP. DWR is required to prepare the CVFPP as a sustainable, integrated flood management plan by January 1, 2012, for adoption by the Central Valley Flood Protection Board (Board) by July 1, 2012. The plan is to focus on areas of the Central Valley currently receiving protection from the State Plan of Flood Control facilities.¹ The Plan is to be updated every five years.

The 2012 CVFPP will be accompanied by a program-level environmental compliance document consistent with the California Environmental Quality Act (CEQA).

The CVFPP will be informed by numerous ongoing FloodSAFE projects and programs and similarly the Urban Level of Flood Protection Criteria Work Group activities are an integral part of FloodSAFE. Additional information on the FloodSAFE Initiative may be found at www.water.ca.gov/floodsafe.

Other State of California public processes that intersect with this element of flood planning include:

- Urban Levee Design Criteria Work Group
- Delta Levee Improvements Program (Delta Special Projects, Delta Subventions)
- DWR Emergency Response Planning Activities
- FloodSAFE Statewide Flood Management Planning Program
- FloodSAFE Urban and Non-Urban Levee Evaluation Programs
- DWR Floodplain Management Program Activities
- Various ongoing U.S. Army Corps of Engineers plans and projects in the Central Valley, including the Central Valley Integrated Flood Management Study

H. Products Review Process

Work group products will be used to refine the Criteria for Demonstrating Urban Level of Flood Protection document developed by a DWR team. Draft content prepared by the work group will be reviewed by the the FloodSAFE Executive Team, and DWR Executive.

¹ A system of approximately 1,600 miles of federal levees the Board or DWR is committed to maintain.

I. Schedule and Work Plan

DWR and this Work Group operate under specific, legislatively directed time lines. The Work Group will be convened in May 2011, and is expected to complete its work by October 2011. The frequency of Work Groups meetings is expected to average once per month, with more frequent meetings, or use of subcommittees, based on the need to accomplish the Work Group mission.

Depending on need, the Work Group Leader may form one or more sub-committees (see Section H, Roles and Responsibilities). Sub-committee meetings will be scheduled as required.

J. Decision-Making within the Work Group

This Work Group will provide input to DWR in improving the draft criteria to be finalized by DWR. The Work Group will seek broad agreement about recommendations to improve the Criteria for Demonstrating Urban Level of Flood Protection document. If various perspectives offered do not agree, the differences will be recorded as part of the draft content. Additional meetings may be held to address these differences and may be run in parallel to other topics.

Input is used to assist DWR in understanding the extent to which there is shared perspective or meaning about the items being considered. Items will be presented in writing and members allowed sufficient time to consider them. Members will be permitted to note their level of support for an item under discussion as ranging from Unqualified Support, General Support, Qualified Support, Qualified Disagreement, to Fundamental Disagreement. The level of support for various items will be recorded. If disagreements exist the group will be asked to continue working to reach agreement or until it appears a resolution is not necessary or attainable. At that time the facilitation team will note the nature of the disagreement and, in consultation with the Work Group and sponsors, make a determination as to the best way to proceed in the particular topic area. Straw polls or requests for general preferences may also be conducted. These types of inquiries are for the purpose of refining ideas, providing direction to the project staff, or both.

K. Protocols and Ground Rules

Protocols

- Outside of work group meetings, people will represent comments made in these meetings as organizational or general group comments. Personal references should be avoided.
- All members agree to act in good faith in all aspects of this process and to communicate their interests.
- Members agree not to make commitments they do not intend to keep.
- Parties will act consistently in other forums where similar topics are being discussed, including sessions with the press.
- Members agree to make a concerted effort to provide requested information to other members or to explain the reason why not.

- Meeting notes will be prepared with a focus on key points, ideas, and action items rather than as transcripts. Unless very specific to understanding the content, references will generally be made to the content rather than the members.

Standing Ground Rules

- Use common conversational courtesy. (Don't interrupt, use appropriate language, avoid third party discussions, etc.)
- Humor is welcome and important, but humor should never be at someone else's expense.
- All ideas and points have value - You may hear something you do not agree with. Please remember that the purpose of the work group is to share ideas and capture various perspectives. All ideas have value in this setting. You are not required to defend or promote your perspective, but you are asked to share it. If you believe another approach is better, offer it as a constructive alternative. Please avoid ascribing motives to others.
- Members have a right to change their minds as information is discussed and conditions change.
- Cell Phone/ PDA Courtesy - Most of the participants have demanding responsibilities outside of the meeting room. We ask for your attention during the full meeting. Please turn cell phones, or any other communication item with an on/off switch to "silent." If you do not believe you will be able to participate fully, please discuss your situation with one of the facilitators.
- Be comfortable - Please help yourself to refreshments or take personal breaks.
- Spelling doesn't count
- Honor time
- We have ambitious meeting agendas, in order to meet our goals it will be important to follow the time guidelines provided by the facilitator.

L. Amendments

The Work Group may amend the charter in consultation with the Executive Sponsor, Executive Advisor, and Work Group Leader.